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CALVERT AND PENN;

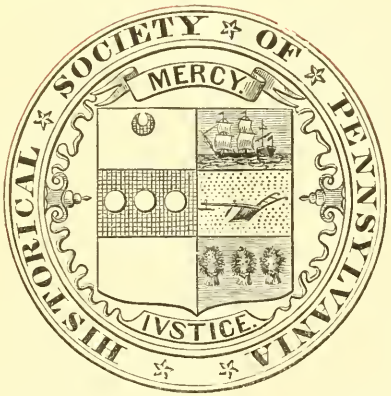
OR THE GROWTH OF

CIVIL AND RELIGIOUS LIBERTY

IN AMERICA,

AS DISCLOSED IN THE PLANTING OF

MARYLAND AND PENNSYLVANIA:



A DISCOURSE BY

BRANTZ MAYER.

DELIVERED IN PHILADELPHIA BEFORE THE

PENNSYLVANIA HISTORICAL SOCIETY,

8 APRIL, 1852.

"Se mai turba il Ciel Sereno
"Fosco vel di nebbia impura,
"Quando il sol gli sguarcia il seno,
"Piu sereno il ciel si fa.

"Rea, discordia, invidia irata
"Fuga il tempo, e nuda splende,
"Vincitrice e vendicata,
"L'offuscata Verita."

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BY JOHN D. TOY,
BALTIMORE

CALVERT AND PENN.

It is a venerable and beautiful rite which commands the Chinese not only to establish in their dwellings a Hall of Ancestors, devoted to memorials of kindred who are dead, but which obliges them, on a certain day of every year, to quit the ordinary toils of life and hasten to the tombs of their Forefathers, where, with mingled services of festivity and worship, they pass the hours in honoring the manes of those whom they have either loved or been taught to respect for their virtues.

This is a wholesome and ennobling exercise of the memory. It teaches neither a blind allegiance to the past, nor a superstitious reverence for individuals; but it is a recognition of the great truth that no man is a mere isolated being in the great chain of humanity, and that, while we are not selfishly independent of the past, so also, by equal affinity, we are connected with and control the fate of those who are to succeed us in the drama of the world.

The Time that merges in Eternity, sinks like a drop in the ocean, but the deeds of that Time, like the drop in the deep, are again exhaled and fitted for new uses; so that although the Time be dead, the acts thereof are immortal—for the achieved action never perishes. That which was wrought, in innocence or wrong, is eternal in its results or influences.

This reflection inculcates a profound lesson of our responsibility. It teaches us the value of assembling to look over the account of the past; to separate the good from the false; to winnow the historical harvest we may have reaped; to survey the heavens, and find our place on the ocean after the storm. And if such conduct is correct in the general concerns of private life, how much more is it proper when we remember the duty we owe to the founders of great principles,—to the founders of great states,—of great states that have grown into great nations! In this aspect the principle rises to a dignity worthy our profoundest respect. History is the garnered treasure of the past, and it is from the glory or shame of that past, that nations, like individuals, take heart for the coming strife, or sink under irresistible discouragement.

Is it not well, then, that we, the people of this large country, divided as we are in separate governments, should assemble, at proper seasons, to celebrate the foundations of our time-honored commonwealths; and, while each state casts its annual tribute on the altar of our country, each should brighten its distinctive symbols, before it merges their glory in that great constellation of American nations, which, in the political night that shrouds the world, is the only guiding sign for unfortunate but hopeful humanity!

When the Reformation in England destroyed the supremacy of the Roman Church, and the Court set the example of a new faith, it may readily be supposed, that the people were sorely taxed when called on to select between the dogmas they had always cherished, and those they were authoritatively summoned to adopt. The age was not one either of free discussion or of printing and publication. Oral arguments, and not printed appeals, were the only means of reaching the uncultivated minds of the masses, and even of a large portion of the illiterate gentry and aristocracy. If we reflect, with what reverence creeds are, even now, traditionally inherited in families, we must be patient with their entailed tenure in the fifteenth and sixteenth centuries. The soul of

nations cannot be purged of its ancestral faith by Acts of Parliament. There may be submission to law, external indifference, hypocritical compliance, but, that implicit adoption and correspondent honest action, which flow from conscientious belief, must spring from sources of very different sanctity.

When the world contained only one great Christian Church, the idea of Union betwixt that Church and the State, was not fraught with the disgusts or dangers that now characterize it. There were then no sects. All were agreed on one faith, one ritual, one interpretation of God's law, and one infallible expositor; nor was it, perhaps, improper that this law—thus ecclesiastically expounded and administered in perfect national unity of faith—should be the rule of civil and political, as well as of religious life. Indeed, it is difficult, even now, to separate the ideas; for, inasmuch as God's law is a law of life, and not a mere law of death—inasmuch as it controls all our relations among ourselves and thus defines our practical duty to the Almighty—it is difficult, I repeat, to define wherein the law of man should properly differ from the law of God. Mere morality—mere political morality,—is nothing but a bastard policy, or another name for expediency, unless it conforms in all its motives, means and results, to religion. In truth, morality, social as well as political, to be vital and not hypocritical, must be religion put into practical exercise. This is the simple, just, and wise reconciliation of religion and good government, which I humbly believe to be, ever and only, founded upon Christianity. But it was a sad mistake in other days, to confound a Primitive Christianity and the dogmas of a Historical Church. Unfortunately for the ancient union of Church and State, this great identification of the true christian action of the civil and ecclesiastical bodies, was but a mere fiction, so far as religion was concerned, and a fact, only so far as power was interested. Christianity ever has remained, and ever will remain, the same radiant unit; but a church, with irresponsible power—a church which, at best, is but an aggregation of human beings, with all the passions, as well as all the virtues of our race—

soon, necessarily, abandons the purity of its early time, and grows into a vast hierarchy, which, founding its claims to authority on divine institution, sways the world, sometimes for good and sometimes for evil, with a power suited to the asserted omnipotence of its origin.

But the idea of honest union between church and state was naturally destroyed, in the minds of all right thinking persons, from the moment that there was a secession from the Church of Rome. The very idea, I assert, was destroyed; for the Catholic Princes and the sects into which Protestants divided themselves, began an internecine war, which, in effect, not only forever obliterated supremacy from the vocabulary of ecclesiastical power, but almost destroyed, by disgracing, the religion in whose name it perpetrated its remorseless cruelties.

The social as well as religious anarchy consequent upon the Reformation, was soon discerned by the statesmen of England, who took council with prudent ecclesiastics, and, under the authority of law, erected the Church of England. In this new establishment they endeavored to substitute for Romanism, a new ecclesiastical system, which, by its concessions to the ancient faith, its adoption of novel liberalities, its compromises and its purity, might contain within itself, sufficient elements upon which the adherents of Rome might gracefully retreat, and to which the Reformers might either advance or become reconciled. This scheme of legislative compromise for a national religion, was doubtless, not merely designed as an amiable neutral ground for the spiritual wants of the people, but as the nucleus of an institution which would gradually, if not at once, transfer to the Royalty of England, that spiritual authority which its sovereigns had found it irksome to bear or to control when wielded by the Pope.

The architects of this modern faith were not wrong in their estimate of the English people, for, perhaps, the great body of the nation willingly adopted the new scheme. Yet there were bitter opponents both among the Catholics and Calvinists, whose extreme violence admitted no compromise, either with each other, or with the Church of England. For them there was no resource but in dumbness or rebellion; and,

as many a lip opened in complaint or attempted seduction, the legislature originated that charitable and reconciling system of disabilities and penalties, which a pliant judiciary was not slow in enforcing with suitable rigor. While the Puritan could often fairly yield a sort of abstinent conformity which saved him from penalties, the Roman Catholic, who adhered faithfully and conscientiously to his ancestral church, made no compromise with his allegiance. Accordingly, on him, the unholy and intolerant law fell with all its persecuting bane.

"About the middle of the reign of Queen Elizabeth there arose among the Calvinists, a small body, who bore nearly the same relation to them, which they bore to the great body of the Reformed; these were ultra Puritans, as they were ultra Protestants. These persons deemed it their religious duty to separate themselves entirely from the church, and, in fact, to war against it. The principle upon which they founded themselves, was, that there should be no national church at all, but that the whole nation should be cast in a multitude of small churches or congregations, each self-governed, and having only, as they believed, the officers of which we read in the New Testament,—pastor, teacher, elder and deacon."[1]

Such was the ecclesiastical and political aspect of England, and of a part of Scotland, about the period when the First James ascended the British throne. As there is nothing that so deeply concerns our welfare as the rights and duties of our soul, it is not at all singular to find how quickly men became zealous in the assertion of their novel privileges, as soon as they discovered that there were two ways of interpreting God's law, or, at least, two modes of worshiping him,—one wrapped in gorgeous ceremonial, the other stripped in naked simplicity,—and that the right to this interpretation or worship was not only secured by law,

[1] Mr. Joseph Hunter's "Collections concerning the Early History of the Founders of New Plymouth." London, 1849: No 2 of his Critical and Historical Tracts, p. 14.

but was inherent in man's nature. Personal interests may be indolently neglected or carelessly pursued. It is rare to see men persecute each other about individual rights or properties. Yet, such is not the case when a right or an interest is the religious property of a multitude. Then, community of sentiment or of risk, bands them together in fervent support, and when the thing contended for is based on conscience and *eternal* interest, instead of personal or *temporary* welfare, we behold its pursuit inflame gradually from a principle into a passion,—from passion into persecution, until at length, what once glimmered in holy zeal, blazes in bigoted fanaticism. Thus, all persecutors may not, originally, be bad men, though their practices are wicked. The very liberty of conscience which freemen demand, must admit this to be possible in the conduct of those who differ from us most widely in faith and politics.

Religious Conscience, therefore, is the firmest founder of the right of forming and asserting Free Opinions; and when it has securely established the great fact of Religious Freedom, it at once, as an immediate consequence, realizes Political Freedom, which is nothing but the individual right independently to control our personal destinies, as well as to shape our conscientious spiritual destinies. The right of free judgment asserts that Christianity put into vital exercise, in our social or national relations, is, in fact, the essence of pure democracy. It is liberty of action that produces responsibility—it is equal responsibility that makes us *one* before the law. To teach man the humility and equality of his race, *as rights;* and to illustrate the glorious lesson that from the cottage and cabin have sprung the intellects that filled the world with light, it pleased the Almighty to make a stable the birth-place of our Redeemer, and a manger his lowly cradle!

When the valiant men of olden times had checked the corporate system of theology in England and Germany, and established their right, at least, *to think* for themselves; and when the Reformation had subsequently received a countercheck in

Germany, England and France,—the stalwart, independent worshippers, who could no longer live peacefully together within their native realms, began to cast about for an escape from the persecutions of non-conformity and the mean "tyranny of incapacitation."

The Reformation was the work of the early part of the sixteenth century. The close of the fifteenth had been signalized by the discovery of America, and by the opening of a maritime communication with India. The East, though now accessible by water, was still a far distant land. The efforts of all navigators, even when blundering on our continent, were, in truth, not to find a new world, but to reach one already well known for the richness of its products, and the civilization of its people. But distant as it was, it presented no field for colonization. It was the temporary object of mercantile and maritime enterprise, and although colonial lodgments were impracticable on its far off shores, it nevertheless permitted the establishment of factories which served, in the unfrequent commerce of those ages, as almost regal intermediaries between Europe and Asia.

But the Western World was both nearer, and, for a while, more alluring to avarice and enterprise. It was not a civilized, populous, and warlike country like the East, but it possessed the double temptation of wealth and weakness. The fertility of the West Indies, the reports of prodigious riches, the conquests of Cortez and Pizzaro, the emasculated semi-civilization of the two Empires, which, with a few cities and royal courts, combined the anomaly of an almost barbarous though tamely tributary people—had all been announced throughout Europe. Yet, the bold, brave and successful Spaniard of those days contrived for a long while to reap the sole benefit of the discovery. What he effected was done by *conquest*. *Colonization*, which is a gradual settlement, either under enterprise or persecution, was to follow.

The conquest and settlement of the Southern part of this continent are so well known, that it is needless for me to dwell on them; but it is not a little singular that the very first effort at what may strictly be called colonization, within the present

acknowledged limits of the United States, was owing to the spirit of persecution which was so rife in Europe.

The Bull of the Pope, in its division of the world, had assigned America to Spain. Florida, which had been discovered by Ponce de Leon, and the present coast of our Republic on the Gulf of Mexico, were not, in the sixteenth century, disputed with Spain by any other nation. Spain claimed, however, under the name of Florida, the whole sea-coast as far as Newfoundland and even to the remotest north, so that, so far as *asserted* ownership was involved, the whole of our coast was Spanish domain.

The poor, persecuted, weather-beaten Huguenots of France, had been active in plans of Colonization for escape from the mingled imbecility and terrorism of Charles IX. They saw that it was not well to stay in the land of their birth. The Admiral de Coligny, one of the ablest leaders of the French Protestants, was zealous in his efforts to found a Gallic empire of his fellow subjects and sufferers on this continent. He desired, at least, a refuge for them; and in 1562, entrusted to John Ribault, of Dieppe, the command of an expedition to the American shores. The first soil of this virgin hemisphere that was baptised by the tread of refugees flying from the terrors of the future hero of St. Bartholomew—of men who were seeking freedom from persecution for the sake of their religion—was that of South Carolina. Ribault first visited St. John's River, in Florida, and then slowly coasted the low shores northward, until he struck the indenture where Hilton-Head Island, and Hunting and St. Helen's Islands are divided by the entrance into the ocean of Broad River at Port Royal.

It was a beautiful region, where venerable oaks shadowed a luxuriant soil, while the mild air, delicious with the fragrance of forest-flowers, forever diffused a balmy temperature, free alike from the fire of the tropics and the frost of the north. Here, in this pleasant region, he built Fort Carolina, and landed his humble colony of twenty persons who were to keep possession of the chosen land.

But Frenchmen are not precisely at home in the wilderness. They require the aggregation of large villages or cities. The Frenchman is a social being, and regret for the loss of civil comforts soon spoils his vivacious temper, and fills him with discontent. Accordingly, dissensions broke forth in the colony soon after the departure of Ribault for France; and, most of the dissatisfied colonists, finding their way back to Europe as best they could, the settlement was broken up forever.

Yet, Coligny was not to be thwarted. In 1564, he again resolved to colonize Florida, and entrusted Laudonnière—a seaman rather than a soldier, who had already visited the American coasts,—with three ships which had been conceded by the king. An abundance of colonists, not disheartened by the failure of their predecessors, soon offered for the voyage, and, after a passage of sixty days, the eager adventurers hailed the American coast. They did not go to the old site, marked as it was by disaster, but nestled on the embowered banks of the beautiful St. John's, or, as it was then known—"The River of May."

But the French of that era, when in pursuit of qualified self-government or of any principle, either civil or religious, were not unlike their countrymen of the present time. They found it difficult to make enthusiasm subordinate to the mechanism of progress, and to restrain the elastic vapor which properly directed gives energy to humanity, but which heedlessly handled destroys what it should impel or guide. Religious enthusiasm is not miraculously fed by ravens in the wilderness. Coligny's emigrants were improvident or careless settlers. Their supplies wasted. They were not only gratified by the sudden relief from royal oppression, but the removal of a weight, gave room for the display of that secret avarice, which, more or less, possesses the hearts of all men. They had heard of the Spaniard's success, and were seized with a passion for sudden wealth. They became discontented with the toil of patient labor and slow accretion. Mutiny ripened into rebellion. A party compelled Laudonnière to suffer it to embark for Mexico; but its two vessels were soon employed in

piratical enterprises against the Spaniards. Some of the reckless insurgents fell into the hands of the men they assailed, and were made prisoners and sold as slaves, while the few who escaped, were, on their return, executed by orders of Laudonnière.

The main body of the colonists who had either remained true to their duty or were kept in subjection, had, meanwhile, become greatly disheartened by these occurrences and by the failing supplies of their settlement, when they were temporarily relieved by the arrival of the celebrated English adventurer—Sir John Hawkins. Ribault soon after came out from France to take command, and brought with him new emigrants, seeds, animals, agricultural implements, and fresh supplies of every kind.

These occurrences, it will be recollected, took place in Florida, within the ancient claim of Spain. It is true that the country was a wilderness; but Spain still asserted her dominion, though no beneficial use had been made of the neglected forest and tangled swamp. At this epoch, a certain Pedro Melendez de Aviles—a coarse, bold, bloody man, who signalized himself in the wars in Holland against the Protestants, and was renowned in Spanish America for deeds which, even in the loose law of that realm, had brought him to justice, was then hanging about the Court of Philip II. in search of plunder or employment. He perceived a tempting "mission" of combined destruction and colonization in the French Protestant settlement in Florida; and, accordingly, a compact was speedily made between himself and his sovereign, by which he was empowered, in consideration of certain concessions and rights, to invade Florida with at least five hundred men, and to establish the Spanish authority and Catholic religion.

An expedition, numbering under its banner more than twenty-five hundred persons, was soon prepared. After touching, with part of these forces, on the Florida coast, in the neighborhood of the present river Matanzas, the adventurer sailed in quest of the luckless Huguenots, whose vessels were soon descried escaping seaward from a combat for which

they were unprepared. For a while, Melendez pursued them, but abandoning the chase, steered south once more, and entering the harbor on the coast he had just before visited, laid the foundations of that quaint old Spanish town of St. Augustine, which is the parent of civic civilization on our continent. Ribault, meanwhile, who had put to sea with his craft, lost most of his vessels in a sudden storm on the coast, though the greater part of his companions escaped.

But Melendez, whose ships suffered slightly from this tempest, had no sooner placed his colonists in security, at St. Augustine, than he set forth with a resolute band across the marshy levels which intervened between his post and the St. John's. With savage fury the reckless Spaniard fell on the Huguenots. The carnage was dreadful. It seems to have been rather slaughter than warfare. The Huguenots, unprepared for battle, little dreamed that the wars of the old world would be transferred to the new, and vainly imagined that human passion could find victims enough for its malignity without crossing the dangerous seas. Full two hundred fell. Many fled to the forest. A few surrendered, and were slain. Some escaped in two French vessels that fortunately still lingered in the harbor. The wretches who had been providentially saved from the wreck, were next followed and found by this Castilian monster. "Let them surrender their flags and arms," said he, "and thus placing themselves at my discretion, I may do with them what God in his mercy desires!" Yet, as soon as they yielded, they were bound and marched through the forest to St. Augustine, and, as they approached the fort which had been hastily raised on the level shores, the sudden blast of a trumpet was the signal for the musketeers to pour into the crowd a volley that laid them dead on the spot. It was asserted that these victims of reliance on Spanish mercy, were massacred, "not as Frenchmen, but as Lutherans;"—and thus, about nine hundred Protestant human beings, were the first offering on the soil of our present Union to the devilish fanaticism of the age.

But the bloody deed was not to go unrevenged. A bold Gascon, Dominic de Gourgues, in 1567, equipped three ships

and set sail for Florida. He swooped down suddenly, like a falcon on the forts at the mouth of the St. John's, and putting the occupants to the sword, hanged them in the forest, inscribing over their dangling corpses, this mocking reply to the taunt at the Lutherans: "I do this not as unto Spaniards and sailors, but as unto murderers, robbers and traitors!"

The revenge was merciless; and thus terminated the first chapter in the history of religious liberty in America. Blood stained the earliest meeting between Catholic and Protestant on the present soil of our Union!

The power of Spain, the unattractiveness of our coast, the indifferent climate, and the failure to find wealthy native nations to plunder, kept the northern part of our continent in the back ground for the greater part of a century after the voyages of Columbus and Cabot. There were discouragements at that time for mercantile or maritime enterprise, which make us marvel the more at the energy of the men who with such slender vessels and knowledge of navigation, tempted the dangers of unknown seas.

Emigration from land to land, from neighboring country to neighboring country, was, at that epoch, a formidable enterprise; what then must we think of the hardihood, or compulsion, which could either tempt or drive men, not only over conterminous boundaries, but across distant seas? Feudal loyalty and the strong tie of family, bound them not only to their local homes, but to their native land. The lusty sons of labor were required to till the soil, while their stalwart brethren, clad in steel, were wandering on murderous errands, over half of Europe, fighting for Protestantism or Catholicity. Adventure, then, in the shape of colonization, must hardly be thought of, from the inland states of the old world; and, even from the maritime nations, with the exception of Spain and Portugal, we find nothing worthy of record, save the fisheries on the Banks, the small settlements of the French in Acadia and along the St. Lawrence, and the holy efforts of Catholic Missionaries among the Northern Indians. If we

did not know their zeal to have been Christian, it might almost be considered romantic.

Soon after the return of De Gourgues from his revengeful exploit, the report of the daring deed and its provocation, was spread over Europe, and excited the people's attention to America more eagerly than ever. Among those who were attracted to the subject, was a British gentleman, whose character and misfortunes have always engaged my sincere admiration.

Sir Walter Raleigh was the natural offspring of the remarkable age in which he lived. We owe him our profoundest respect, for it was Sir Walter who gave the first decided impulse to our race's beneficial enjoyment of this continent. It was his fortune to live at a time of great and various action. The world was convulsed with the throes of a new civilization, and the energy it exhibited was consequent upon its long repose. It was an age of transition. It was an age of coat and corselet—of steel and satin—of rudeness and refinement,—in which the antique soldier was melting into the modern citizen. It was the twilight of feudalism. Baronial strongholds were yielding to municipal independence. Learning began to teach its marvels to the masses; warfare still called chivalrous men to the field; a spirited queen, surrounded by gallant cavaliers, sat on a dazzling throne; adventurous commerce armed splendid navies and nursed a brood of hardy sailors; while the mysterious New World invited enterprise to invade its romantic and golden depths. It was peculiarly an age of thought and action; and is characterized by a vitality which is apparent to all who recollect its heroes, statesmen, philosophers and poets.

Sir Walter Raleigh was destined, by his deeds and his doom, to bring this northern continent, which we are now enjoying, into prominent notice. He was the embodiment of the boyhood of our new world. In early life he had been a soldier, but the drift of his genius led him into statesmanship. He was a well known favorite of the Virgin Queen. A spirit of adventure bore him across the Atlantic, where, if the occasion had offered, he would have rivalled

Cortez in his courageous hardihood, and outstripped him in his lukewarm humanity. He became a courtier; and, mingling in the intrigues of the palace, according to the morals of the age, was soon too great a favorite with his sovereign to escape the dislike of men who beheld his sudden rise with envy. From the palace he passed to prison; and, scorning the idleness which would have rusted so active an intellect, he prepared that remarkable History of the World, wherein he concentrated a mass of rare learning, curious investigation, and subtle thought, which demonstrate the comprehensive and yet minute character of his wonderful mind. A volume of poems shows how sweetly he could sing. The story of his battles, discloses how bravely he could fight. The narrative of his voyages proves the boldness of his seamanship. The calmness of his prison life teaches us the manly lesson of endurance. The devotion of his wife, denotes how deeply he could love; while his letters to that cherished woman—those domestic records in which the heart divulges its dearest secrets—teem with proofs of his affection and Christianity. Indeed, the gallantry of his courtiership; the foresight of his statecraft: the splendid dandyism of his apparel; the wild freedom and companionship of his forest life, show how completely the fop and the forager, the queenly pet and loyal subject, the author and the actor, the noble and the democrat, the soldier and the scholar, were, in the age of Elizabeth and James, blent in one man, and that man—Sir Walter Raleigh.

Do we not detect in this first adventurous and practical patron of North America, many of the seemingly discordant qualities which mingle so commonly in the versatile life of our own people? If the calendar of courts had its saints, like the calendar of the church, well might Sir Walter have been canonized as protector of the broad realm for which the brutal James made him a martyr to the jealousy and fear of Spain.[1]

[1] It is believed by historians that Sir Walter Raleigh fell a victim to the intrigues of Spain at the Court of James. His American adventures and hardihood were dangerous to the Spanish Empire. A small pamphlet entitled: A New Description of Virginia, published in London in 1649, a reprint of which is possessed by the Virginia Historical Society, shows how the pro-

Queen Elizabeth was the first British Sovereign who built up that maritime power of England which has converted her magnificent Island—dot as it is, in the waste of the sea—into the wharf of the world. She was no friend of the Spaniards, and she had men in her service who admired Spanish galeons. Wealth, realized in coin, and gold or silver, in bulk, were tempting merchandize in frail vessels, which sailors, half pirate, half privateer, might easily deliver of their burden. It was easier to rob than to mine; and, while Spain performed the labor in the bowels of the earth, England took the profit as a prize on the sea! Such were some of the elements of maritime success, which weakened Spain by draining her colonial wealth, while it enriched her rival and injured the Catholic sovereign.

Yet, in the ranks of these adventurers, there were men of honest purpose; and, among the first whose designs of colonization on this continent were unquestionably conceived in a spirit of discovery and speculation, was the half brother of Sir Walter Raleigh—Sir Humphrey Gilbert. But Sir Humphrey, while pursuing his northern adventures, was unluckily lost at sea, and Sir Walter took up the thread where his relative dropped it. I regret that I have not time to pursue this subject, and can only say that his enterprises were, doubtless,

phetic fears of the Spaniard, even at that early time, conjured up the warning phantom of Anglo-Saxon "*annexation.*"

"It is well known," says the pamphlet, "that our English plantations have "had little countenance; nay, that our statesmen, (when time was,) had store "of Gundemore's gold," (meaning Gondomar, Spanish Minister at James's "Court)—"*to destroy* and discountenance the plantation of Virginia; and he "effected it, in great part, by dissolving the company, wherein most of the "nobility, gentry, corporate cities, and most merchants of England, were "interested and engaged; after the expense of some hundred of thousands of "pounds; for Gundemore did affirm to his friends, that he had commission from "his master"—(the King of Spain,)—"to destroy that plantation. For, said "he, should they thrive and go on increasing, as they have done under that "popular Lord of Southampton, *my master's West Indies,* AND HIS MEXICO, "*would shortly be visited by sea and by land, from those Planters in Virginia.*"

Generals Scott and Taylor—both sons of Virginia—have verified, in the nineteenth century, the foresight of the cautious statesman of the seventeenth.

See Virginia His. Reg. Vol. 1. *p.* 28.

the germ of that colonization, which, by degrees, has filled up and formed our Union.

You will remember the striking difference between colonization from England, and the colonization from other nations of ancient and modern times. The short, imperfect navigation of the Greeks, along the shores and among the islands of their inland sea, made colonization rather a diffusive overflow, than an adventurous transplanting of their people. They were urged to this oozing emigration either by personal want, by the command of law, or by the oracles of their gods, who doubtless spoke under the authority of law. Where the national religion was a unit in faith, there was no persecution to drive men off, nor had the spirit of adventure seized those primitive classics with the zeal of "annexation" that animated after ages.

The Roman colonies were massive, military progresses of population, seeking to spread national power by conquest and permanent encampment.

Portugal and Spain, mingled avarice and dominion in their conquests or occupation of new lands.

The French Protestants were, to a great extent, prevented by the bigotry of their home government, as well as by foreign jealousy, from obtaining a sanctuary in America. France drove the refugees chiefly into other European countries, where they established their manufacturing industry; and thus, fanaticism kept out of America laborious multitudes who would have pressed hard on the British settlements. In the islands, a small trade and the investment of money, rather than the desire to acquire fortune by personal industry, were the motives of the early and regular emigration of Frenchmen.

The Dutch, devoted to trade, generally located themselves where they "have just room enough to manifest the miracles of frugality and diligence."[1]

Thus, wherever we trace mankind abandoning its home, in ancient or modern days, we find a selfish motive, a superstitious command, a love of wealth, a lust of power, or

[1] Dr. Miller's "History Philosophically Illustrated," vol 1. p. 95.

a spirit of robbery, controlling the movement. The first adventurous effort towards the realization of actual settlement on this continent, was, as we have seen, made by the persecuted Huguenots, and was, probably, an attempt rather to fly from oppression, than to establish religious freedom. The first English settlement, also, was founded more upon speculation than on any novel or exalted principle. There was a quest of gold, a desire for land, and an honest hope of improving personal fortunes.

Virginia had been a charter government, but, in 1624, it was merged in the Royal Government. The crown reassumed the dominion it had granted to others. Virginia, in the first two decades of the seventeenth century, although exhibiting some prosperous phases, was nothing more than a delicate off-shoot from the British stock, somewhat vigorous for its change to virgin soil, but likely to bear the same fruit as its parent tree. Virginia was a limb timidly transplanted,—not a branch torn off, and flung to wither or to fertilize new realms by its decay. This continent, with all that a century and a half of maritime coasting had done for it, was but thinly sprinkled with settlements, which bore the same proportion to the vast continental wilderness that single ships or small squadrons bear to the illimitable sea. But the spirit of adventure, the desire for refuge, the dream of liberty, were soon to plant the seeds of a new civilization in the Western World.

Henry VIII, Founder of the English Church, as he had, whilom, been, Defender of the Roman Faith, was no friend of toleration; but the rigor of his system was somewhat relaxed during the reign of the sixth Edward. Mary, daughter of Henry, and sister of Edward, re-constructed the great ancestral church, and the world is hardly divided in opinion as to the character of her reign. Elizabeth reestablished the church that had been founded by her father; and her successor James I of England and VI of Scotland,—the Protestant son of a Catholic mother,—while he openly adhered to the church of his realm, could not avoid

some exhibitions of coquettish tenderness for the faith of his slaughtered parent.

But, amid all these changes, there was one class upon which the wrath of the Church of England and of the Church of Rome, met in accordant severity;—this was the Puritan and ultra Puritan sect,—to which I have alluded at the commencement of this discourse,—whose lot was even more disastrous under the Protestant Elizabeth, than under the Catholic Mary. The remorseless courts of her commissioners, who inquisitorially tried these religionists by interrogation on oath, imprisoned them, if they remained lawfully silent and condemned them if they honestly confessed!

A congregation of these sectaries had existed for some time on the boundaries of Lincoln, Nottingham and York, under the guidance of Richard Clifton and John Robinson, the latter of whom was a modest, polished, and learned man, This christian fold was organized about 1602 ; but worried by ceaseless persecution, it fled to Holland, where its members, fearing they would be absorbed in the country that had entertained them so hospitably, resolved in 1620 to remove to that portion of the great American wilderness, known as North Virginia. Such, in the chronology of our Continent, was the first decisive emigration of our parent people to the New World, *for the sake of opinion.*

It is neither my purpose, nor is it necessary, to sketch the subsequent history of this New England emigration, or of the followers, who swelled it into colonial significance.

Its great characteristic, seems to me, to have been, an unalterable will to worship God according to *its* own sectarian ideas, and to afford an equal right and protection to all who thought as *it* did, or were willing to conform to its despotic and anchoritic austerity. It is not very clear, what were its notions of abstract political liberty; yet there can be very little doubt what its practical opinions of equality must have been, when we remember the common dangers, duties, and interests of such a band of emigrants on the dreary, ice-bound, savage haunted, coasts of Massachusetts.

"When Adam delved, and Eve span,
"Pray who was then the gentleman?"

may well be asked of a community which for so long a time, had been the guest of foreigners, and now saw the first great human and divine law of liberty and equality, taught by the compulsion of labor and mutual protection, on a strip of land between the sea and the forest. The colonists were literally reduced to first principles; they were stripped of the comforts, pomps, ambitions, distinctions, of the Old World, and they embraced the common destiny of a hopeful future in the New.[1] They had been persecuted for their opinions, but that did not make them tolerant of the opinions of their persecutors. It was better, then, that oppressor and oppressed should live apart in both hemispheres; and thus, in sincerity, if not in justice, their future history exhibits many bad examples of the malign spirit from which they fled in Europe. If they were, essentially, Republicans, their democracy was limited to a political and religious equality of Puritan sectarianism;—it had not ripened into the democracy of an all embracing Christianity.[2]

[1] "Men who have to count, miserly, the kernels of corn for their daily bread, "and to till their ground, staggering through weakness from the effect of famine, "can do but little in settling the metaphysics of faith, or in counting frames, "and guaging the exercises of their feelings. Grim necessity of hunger looks "morbid sensibility out of countenance."—*Rev. Dr. G. B. Cheever's edition of the Journal of the Pilgrims*;—1848: *p.* 112.

[2] "The New England Puritans, though themselves refugees from religious "intolerance, and martyrs, as they supposed, to the cause of religious freedom, "practiced the same intolerance to those who were so unfortunate as to differ "from them. In 1635, Roger Williams was banished from the Massachusetts "colony for differences of religious opinions with the civil powers. This was "the next year after the arrival of the Maryland colony. In 1650, fifteen years "later, a Baptist received thirty lashes at the whipping post, in Boston, for his "peculiar faith; and nine years later, three persons suffered death by the com-"mon hangman, in the same place, for their adherence to the sect of Quakers."—*Rev. Dr. Burnap's Life of Leonard Calvert, in Sparks's Am. Biog. 2nd series, vol. IX. p.* 170, *Boston*, 1846.

On the 13th Sept. 1644, these N. England Puritans, passed a law of banishment against Anabaptists; in 1646, another law, imposing the same punishment, was passed against Heresy and Error; in 1647, the order of Jesuits came in for a share of intolerance;—its members were inhibited from entering the colony; if they came in, heedless of the law, they were to be banished, and if

These occurrences took place during the reign of the prince who united the Scottish and English thrones. At the Court of James, and in his intimate service, during nearly the whole period of his sovereignty, was a distinguished personage, who, though his name does not figure grandly on the page of history, was deeply interested in the destiny of our continent.

Sir George Calvert, was descended from a noble Flemish family, which emigrated and settled in the North of England, where, in 1582, the Founder of Maryland was born. After taking his Bachelor's degree at Oxford and travelling on the Continent, he became, at the age of twenty-five, private Secretary to Sir Robert Cecil, the Lord Treasurer—afterwards the celebrated Earl of Salisbury. In 1609, he appears as one of the patentees named in the new Charter then granted to the Virginia Company. After the death of his ministerial patron, he was honored with knighthood and made clerk of the crown to the Privy Council. This brought him closely to the side of his sovereign. In 1619, he was appointed one of the Secretaries of State, and was then, also, elected to Parliament; first for his native Yorkshire, and subsequently for Oxford. He continued in office, under James, as Secretary of State, until near that monarch's death, and resigned in 1624.

Born in the Church of England, Sir George, had, in the course of his public career, become a Roman Catholic. With the period or the means of his conversion from the court-faith to an unpopular creed, we have, now no concern. Fuller, in his "Worthies of England," asserts that Calvert resigned in consequence of his change of religion;—other writers, relying, perhaps, more on the *obiter dicta* of memoirs and history, believe that his convictions as to faith had changed some

they returned after banishment, they were to be *put to death*. On the 14th of October 1656, the celebrated law was enacted against "the cursed sect of heretics lately risen up in the world, which are commonly called Quakers:"—by its decrees, captains of vessels who introduced these religionists, knowingly, were to be fined or imprisoned; "quaker books or writings containing their devilish opinions," were not to be brought into the colony, under a penalty; while quakers who came in, were to be committed to the house of correction, kept constantly at work, not allowed to speak, and severely whipped, on their entrance into this sanctuary!—See original Acts, *Hazard's His. Coll.* 1, *pp.* 538, 545, 550, 630.

years before. Be that, however, as it may, the resignation, and its alleged cause which was well known to his loving master, James, produced no ill feeling in that sovereign. He retired in unpersecuted peace. He was even honored by the retention of his seat at the Privy Council;—the King bestowed a pension for his faithful services;—regranted him, in fee simple, lands which he previously held by another tenure; and, finally, created him Lord Baron of Baltimore, in Ireland.[1]

Whilst Sir George was in office, his attention, it seems, had been early directed towards America; and in 1620, he is still mentioned in a list of the members of the Virginia Company. Soon after, he became concerned in the plantation of Newfoundland, and finally, obtained a patent for it, to him and his heirs, as Absolute Lord and Proprietary, with all the royalties of a Count Palatine. We must regret that the original, or a copy of this grant for the province of Avalon, in Newfoundland, has not been recently seen, or, if discovered, transmitted to this country.

Here, Sir George built a house; spent £25,000 in improvements; removed his family to grace the new Principality; manned ships, at his own charge, to relieve and guard the

[1] See Mr. John P. Kennedy's discourse on the life and character of Sir George Calvert, and the reviews thereof, with Mr K's reply, on this question of religion, in the U. S. Catholic Magazine, 1846. Since the publication of Mr. Kennedy's discourse and the reviews of it, in 1846, I have met with an English work published in London in 1839, *attributed* to Bishop Goodman, entitled an "Account of the Court of James the first." In vol. 1, p. 376, he says: "The "third man who was thought to gain by the Spanish match was Secretary Cal- "vert; and as he was the *only Secretary employed in the Spanish match*, so un- "doubtedly he did what good offices he could therein, for religion's sake, *being* "*infinitely addicted to the Roman Catholic faith, having been converted thereto by* "*Count Gondemar and Count Arundel, whose daughter Secretary Calvert's Son* "*had married; and, as it was said, the Secretary did usually catechise his own* "*children, so to ground them in his own religion; and in his best room having an* "*altar set up, with chalice, candlesticks, and all other ornaments, he brought all* "*strangers thither, never concealing anything, as if his whole joy and comfort had* "*been to make open profession of his religion.*" As the Prelate was a *contemporary*, this statement, founded, as it may be, on report, is of considerable importance. Fuller, also, was a contemporary though thirty years younger than Calvert. The Spanish match, alluded to, was on the carpet as early as 1617, and was broken off in the beginning of 1624. It was probably during this period that Lord Arundel and the Spanish Minister influenced the mind of Sir George as to religion.

British fisheries from the attacks of the French ; but, at length, after a residence of some years, and an ungrateful return from the soil and climate, he abandoned his luckless enterprise.

Yet, it was soil and climate alone that disheartened the Northern adventurer:—he had not turned his back on America. In 1629 he repaired to Virginia, in which he had been so long concerned, and was most ungraciously greeted by the Protestant royalists, with an offer of the Test-Oaths of Allegiance and supremacy. Sir George, very properly refused the challenge, and departed with his followers from the inhospitable James River, where the bigotry of prelacy denied him a foothold within the fair region he had partly owned.

But, before he returned to England, he remembered that Virginia was now a Royal Province and no longer the property of corporate speculation ;—he recollected that there were large portions of it still unoccupied by white men, and that there were bays and rivers, pouring, sea-like, to the ocean, of which grand reports had come to him when he was one of the committee of the Council for the affairs of the Plantations. Accordingly, when he left the James River, he steered his keel around the protecting peninsula of Old Point Comfort, and ascending the majestic Chesapeake, entered its tributary streams, and laid, in imagination, at least, the foundations of Maryland.

His examination of the region being ended, Calvert went home to England, and in 1632, obtained the grant of Maryland from Charles I, the son of his royal patron and friend. The charter, which is said to have been the composition of Sir George, did not, however, pass the seals until after the death of its author ; but was issued to his eldest son and heir, Cecilius, on the 20th of June, 1632. The life of Sir George had been one of uninterrupted personal and political success; his family was large, united and happy ; if he did not inherit wealth, he, at least, contrived to secure it; and, although his conscience taught him to abandon the faith of his fathers, his avowal of the change had been the signal for princely favors instead of political persecution.

Here the historic connexion of the *first* Lord Baltimore with Maryland ends. The real work of Plantation was the task of Cecilius, the first actual Lord Proprietary, and of Leonard Calvert, his brother, to whom, in the following year, the heir of the family intrusted the original task of colonial settlement. If anything was done by Sir George, in furtherance of the rights, liberties, or interests of humanity, so far as the foundation of Maryland is concerned, it was unquestionably effected anterior to this period, for we have no authority to say, that after his death, his children were mere executors of previous designs, or, that what was then done, was not the result of their own provident liberality. I think there can be no question that the charter was the work of Sir George. That, at least, is his property; and he must be responsible for its defects, as well as entitled to its glory.[1]

I presume it is hardly necessary for me to say what manner of person the King was, whom Calvert had served so intimately during nearly a whole reign. James is precisely the historical prodigy, to which a reflective mind would suppose the horrors of his parentage naturally gave birth. In royal chronology he stands between two axes,—the one that cleft the ivory neck of his beautiful mother—the other that severed the irresolute but refined head of his son and heir. His father, doubtless, had been deeply concerned in the shocking murder of his mother's second husband. Cradled on the throne of Scotland; educated for Kingship by strangers; the ward of a regency; the shuttle-cock of ambitious politicians; the hope and tool of two kingdoms,—James lived during an age in which the struggle of opinion and interest, of prerogative and

[1] Mr. Chalmers, in his Hist. of the Revolt of the Am. Col. B. 2 ch. 3, says that the charter of Maryland was a *literal copy* from the prior patent of Avalon; but of this we are unable to judge, as he neither cites his authority nor indicates the depository of the Avalon Charter. If the Maryland charter is an *exact* transcript of the Avalon document, it is interesting to know the fact, as Calvert may have been a Protestant, when the latter was issued. Bozman states an authority for its date, as of 1623, which would indicate that this document may still probably be found in the British Museum. If it was issued in 1623, it was granted a year before, Fuller says, Calvert resigned because he had become a Catholic. In all likelihood, however, Sir George was not converted in a day!—*See Bozman Hist. Maryland ed.* 1837, *vol.* 1 *p.* 240 *et seq. in note.*

privilege, of human right and royal power, of glimmering science and superstitious quackery, might well have bewildered an intellect, brighter and calmer than his. The English people, who were yet in the dawn of free opinions, but who, with the patience that has always characterized them, were willing to obey any symbol of order,—may be said, rather to have tolerated than honored his pedantry in learning, his kingcraft in state, his petulance in authority, and his manifold absurdities, which, while they made him tyrannical, deprived him of the dignity that sometimes renders even a tyrant respectable.

You will readily believe that a man like George Calvert found it sometimes difficult to serve such a sovereign, in intimate state relations. In private life he might not have selected him for a friend or a companion. But James was his King; the impersonation of British Royalty and nationality. In serving him, he was but true to England; and, even in that task, it, no doubt, often required the whole strength of his heart's loyalty, to withstand the follies of the royal buffoon. Calvert, I think, was not an enthusiast, but, emphatically, a man of his time. His time was not one of Reform, and he had no brave ambition to be a Reformer. Accustomed to the routine of an observing and technical official life, he was, essentially a practical man, and dealt, in politics, exclusively with the present. Endowed, probably, with but slender imagination, he found little charm or flavor in excursive abstractions. His maxim may perhaps have been—"*quieta ne movete*,"—the motto of moderate or cautions men who live in disturbed times, preceding or succeeding revolutions, and think it better—

> " ———to bear those ills we have
> " Than fly to others that we know not of!"

Yet, with all these characteristics, no one will hesitate to believe that Calvert was a bold and resolute person, when it is recollected that he visited the wilderness of the New World in the seventeenth century, and projected therein the formation of a British Province.

But, in truth, our materials for his biography are extremely scant. He died at the very moment when America's chief interest in him began. He belonged to the Court Party, as distinguished from the Country Party. He is known to have been a zealous supporter of the "supremacy of authority." He held, that "America, having been acquired by conquest, was subject, exclusively, to the control of royal prerogative." He was the defender of the Court in its diplomacy; and, ultra as James was in his monarchical doctrines, there can be little doubt that he would have dismissed Calvert from office, had there not been concord between the crown and its servant, as to the policy, if not the justice, of the toryism they both professed. But let us not judge that century by the standards of this. That would be writing history from a false point. Let us not condemn rulers who seem to be despotic in historic periods of transition—in periods of mutual intolerance and distrust—in periods when men know nothing, from practical experience, of the capacity of mankind for self government.[1]

The charter which Sir George Calvert framed, and the successor of James granted, was precisely the one we might justly

[1] The Baron Von Raumer, in his Hist. of the XVI and XVII Centuries, vol. 2, p. 263, quoting from Tillieres, says of Calvert: "He is an honorable, sensible "well-minded man, courteous towards strangers, full of respect towards embas- "sadors, zealously intent on the welfare of England; but by reason of all these "good qualities, entirely without consideration or influence."

The only original work or tract by which we know the character of Sir George Calvert's mind is "THE ANSWER TO TOM TELL-TROTH, THE PRACTISE OF PRINCES AND THE LAMENTATIONS OF THE KIRKE, *written by Lord Baltimore, late Secretary of State.* London, *printed* 1642:—a copy of which, in MS., is in the collections of the Maryland Hist. Soc. This is a quaint specimen of pedantic politics and toryism—larded with Latin quotations, and altogether redolent of James's Court. It was addressed to Charles I, and shows the author's intimate acquaintance with the political history and movements of the continental powers. We may judge Calvert's politics by the following passage in which he *commends* the doctrines of his old master:—

"King James," says he, "in his oration to the Parliament, 1620, used these "words *very judiciallie;* Kings and Kingdoms were before Parliaments; the "Parliament was never called for the purpose to meddle with complaints against "the King, the Church, or State matters, but *ad consultandum de rebus arduis,* "*Nos et Regnum nostrum concernantibus;* as the writ will inform you. I was "never the cause, nor guiltie of the election of my sonne by the Bohemians, "neither would I be content that any other king should dispute whether I am "a lawful King or no, and to tosse crowns like Tennis-balls."

suppose such a subject, and such a sovereign would prepare and sign. It invested the Lord Proprietary with all the royal rights, enjoyed by the Bishop of Durham, within the County Palatine of Durham. He was the source of justice. He was the fountain of honor, and allowed to decorate meritorious provincials with whatever titles and dignities he should appoint. He had the power to establish feudalism and all its incidents. He was not merely the founder and filler of office, but he was also the sole executive. He might erect towns, boroughs and cities;—he might pardon offences and command the forces. As ecclesiastical head of the Province, he had the right to found churches, and was entitled to their advowsons.[1] In certain cases he had the dangerous privilege of issuing ordinances, which were to have the force of sovereign decrees. In fact, allegiance to England, was alone preserved, and the Lord Proprietary became an autocrat, with but two limitations: 1st, the laws were to be enacted by the Proprietary, with the advice and approbation of the free men, or freeholders or their deputies,—the "*liberi homines*," and "*liberi tenentes*," spoken of in the charter;—and 2nd, "no interpretation" of the charter was "to be made whereby God's Holy Rights and the true Christian Religion, *or* the allegiance due to us," (the King of England,) "our heirs and successors, may, in any wise, suffer by change, prejudice or diminution." Christianity and the King—I blush to unite such discordant names—were protected in equal co-partnership![2]

The first of these reserved privileges of the people, the Lord Proprietary Cecilius understood, to mean, that *he* had the exclusive privilege of proposing laws, and that the free-men, or free-holders of his province, could only accept or reject his propositions. These laws of the province were not to be sub-

[1] It may seem strange, that, being a Catholic, he still had the right of advowson or of presentation to Protestant Episcopal Churches; but it was not until the Act of 1st William and Mary, chapter 26, that Parliament interfered with the right of Catholics to present to religious benefices. That Act vested the presentations belonging to Catholics in the Universities. An Act passed 12th Anne, was of a similar disabling character.—*Butler's Hist. Mem. vol. 3, pp.* 136, 148, 149.

[2] See Appendix No. 1, in regard to the erroneous translation of this clause from the Latin, that has hitherto been adopted from Bacon's laws of Maryland.

mitted to the King for his approval, nor had he the important *right of taxation*, which was expressly relinquished. In the early legislation of Maryland, this supposed exclusive right of proposing laws by the Proprietary, was soon tested by mutual rejections, both by the legislative Assembly and by Cecilius, of the Acts, which each had separately passed or prepared.

But the other clause, touching "God's Holy Rights and the true Christian Religion," was one, in regard to the practical interpretation of which, I apprehend, there was never a moment's doubt in the mind either of the people or of the Proprietary. It is a radiant gem in the antique setting of the charter. It is the glory of Calvert. It is the utter obliteration of prejudice among all who professed Christianity. Toleration was unknown in the old World; but this was more than toleration, for it declared freedom at least to *Christians*,—yet it was not perfect freedom, for it excluded that patient and suffering race—that chosen people—who, to the disgrace even of republican Maryland, within my recollection, were bowed down by political disabilities.

I am aware that many historians consider the religious freedom of Maryland as originating in subsequent legislation, and claim the act of 1649 as the statute of toleration. I do not agree with them. Sir George Calvert had been a Protestant;—he became a Catholic. As a Catholic, he came to Virginia, and in the colony where he sought to settle, he found himself assailed, for the first time in his life, by Protestant virulence and incapacitation. He was now, himself, about to become a Lord Proprietor. The sovereign who granted his charter was a Protestant, and moreover, the king of a country whose established religion was Protestant. The Protestant monarch, of course, could not *grant* anything which would compromise him with his Protestant subjects; yet the Catholic nobleman, who was to take the beneficiary charter, could not *receive*, from his Protestant master, a grant which would assail the conscience of co-religionists over whom he was, in fact, to be a sovereign. In England, the King had no right to interfere with the Church of England; but in America, which was a vacant, royal domain, his paramount authority permitted

him to abolish invidious ecclesiastical distinctions. Calvert, the Catholic, must have been less than a man, if he forgot his fellow sufferers and their disabilities when he drew his charter. His Protestant recollections taught him the vexations of Catholic trials, while his Catholic observation informed him sharply of Protestant persecution. Sectarianism was already rampant across the Atlantic.[1] The two British lodgments, in Virginia and New England, were obstinately sectarian. Virginia was Episcopalian ; New England was Puritan ;—should Maryland be founded as an exclusively Protestant province, or an exclusively Catholic settlement? It is evident that either would be impossible :—the latter, because it would have been both impolitic and probably illegal ; and the former because it would have been a ridiculous anomaly to force a converted Catholic, to govern a colony wherein his own creed was not tolerated by a fundamental and unalterable law. It is impossible to conceive that the faith of Calvert and the legal religion of Charles, did not enter into their deliberations, when they discussed the Charter ; and, doubtless, both subject and sovereign justly decided to make "The Land of Mary," which the Protestant Charles baptised in honor of his Catholic Queen, a free soil for Christianity. It was Calvert's duty and interest to make Charles tolerant of Catholic Christianity ; nor could he deny to others the immunity he demanded for himself and his religious brethren. The language of the charter, therefore, seems explicit and incapable of any other meaning. There were multitudes of Catholics in England, who would be glad to take refuge in a region where they were to be free from disabilities, and could assert their manhood.

[1] As an illustration of this feeling, I will quote a passage showing how it fared with Marylanders in Massachusetts in 1634. "The Dove," one of the vessels of the first colonists to Maryland, was dispatched to Massachusetts with a cargo of corn to exchange for fish. She carried a friendly letter from Calvert and another from Harvey, but the magistrates were suspicious of a people who "*did set up mass openly.*" Some of the crew were accused of reviling the inhabitants of Massachusetts as "holy brethren," "the members," &c., and just as the ship was about to sail ; *the supercargo, happening on shore, was arrested in order to compel the master to give up the culprits.* The proof failed, and the vessel was suffered to depart, but not without a special charge to the master "*to bring no more such disordered persons!*"—*Hildreth Hist. U. S., vol.* 1, 209.

The king, moreover, secured for his Catholic subjects a quiet, but chartered banishment, which still preserved their allegiance. At the court there was much leaning towards the church of Rome. It was rather fashionable to believe one way, and conform another. The Queen was zealous in her ancestral faith; and her influence over the king, colored more than one of his acts. Had Calvert gone to the market place, and openly proclaimed, that a Protestant king, by a just charter of neutrality, had established an American sanctuary for Catholics, and invited them thither under the banner of the cross, one of his chief objects, must have been at once defeated; for intolerance would have rallied its parties against the project, and the dream of benevolence would have been destroyed for ever. If by the term, "God's Holy Rights and the true Christian religion," the charter meant, *the church of England*, then, *ex vi termini*, Catholicity could never have been tolerated in Maryland; and yet it is unquestionable that the original settlement was made under Catholic auspices—blessed by Catholic clergymen—and acquiesced in by Protestant followers. Was it not wise, therefore, to shield conscience in Maryland, under the indefinite but unsectarian phraseology of "God's Holy Rights and the true Christian Religion?"[1]

So far, then, for the basis of the charter, and for the action of Sir George Calvert. After his death, the planting of the colony took place under the administration of Cecilius, who, remaining in Europe, dispatched his brother Leonard to America to carry out his projects.

If the personal history of the Calverts is scant, the history of the early days of Maryland is scarcely less so; but the industry of antiquarians, and the researches of a learned Catholic clergyman, have brought to light two documents which disclose much of the religious and business character of the settlement. The work entitled:—"A Relation of Maryland," which was published in London in 1635, and gave the first account of the planting of the province, is a minute, mercantile, statistical, geographical and descriptive narrative of the

[1] See Appendix No. 2.

landing and locating of the adventurers who set sail in 1633, and of their genial intercourse with the aborigines. If I had time, it would be pleasing to sum up the facts of this historical treasure, which was evidently prepared under the direction of Cecilius, Lord Baltimore, if not actually written by him. It is full of the spirit of careful, honest enterprise; and exhibits, I think, conclusively, the fact that the design of Calvert, in establishing this colony, was mainly the creation of a great estate, manorial and agricultural, whose ample revenues should, at all times, supply the needs of his ten children and their descendants.

The other document to which I refer, is a manuscript discovered some years ago, by the Rev. Mr. McSherry, in the archives of the college of the Propaganda, at Rome, and exhibits the zeal with which the worthy Jesuits, whom Lord Baltimore sent forth with the first settlers, applied themselves to the christianization of the savages. It presents some beautiful pictures of the simple life of these devotees. It shows that, in Maryland, the first step was *not* made in crime; and that the earliest duty of the Governor, was not only to conciliate the Indian proprietors, but to purchase the land they were willing to resign. Nor was this all; there was provident care for the soul as well as the soil of the savage. There is something rare in the watchful forethought which looks not only to the present gain or future prospects of our fellow men, which takes heed not only of the personal rights and material comforts of the race it is displacing, but guards the untutored savage, and consigns him to the vigilance of instructed piety. This "Narrative of Father White," and the Jesuits' letters, preserved in the college at Georgetown, portray the zeal with which the missionaries, in their frail barks, thridded the rivers, coves and inlets of our Chesapeake and Patapsco;—how they raised the cross, under the shadow of which the first landing was effected;—how they set up their altars in the wigwams of the Indians, and sought, by simplicity, kindness and reason, to reach and save the Indian. In Maryland, persecution was dead at the founding;—prejudice, even, was forbidden. The cruelties of Spanish planting were un-

known in our milder clime. No violence was used, to convert or to appropriate, and thus, the symbol of salvation, was properly raised on the green Isle of St. Clement, as an emblem of the peace and good will, which the Proprietary desired should sanctify his enterprise.[1]

[1] In order to illustrate the spirit in which the region for the first settlement at St. Mary's was acquired, I will quote from a MS. copy of "A Relation of Maryland, 1635," now in my possession: "To make his entrie peaceable and safe, he thought fit to present ye Werowance and Wisoes of the town (so they call ye chief men of accompt among them,) with some English cloth (such as is used in trade with ye Indians,) axes, hoes, and knives, which they accepted verie kindlie, and freely gave consent toe his companie that hee and they should dwell in one part of their towne, and reserved the other for themselves: and those Indians that dwelt in that part of ye towne which was allotted for ye English, freely left them their houses and some corne that they had begun to plant: It was also agreed between them that at ye end of ye Harvest they should have ye whole Towne, which they did accordinglie. And they made mutuall promises to each other to live peaceably and friendlie together, and if any injury should happen to be done, on any part, that satisfaction should be made for ye same; and thus, on ye 27 Daie of March, A. D. 1634, ye Gouernour took possession of ye place, and named ye *Towne—Saint Marie's.*

"There was an occasion that much facilitated their treatie with these Indians which was this: the Susquehanocks (a warlike people that inhabit between Chesapeake Bay and Delaware Bay) did usuallie make warres and incursions upon ye neighboring Indians, partly for superioritie, partly for to gett their women, and what other purchase they could meet with; which the Indians of *Yoacomaco* fearing, had, ye yeere before our arivall there, made a resolution, for there safetie, to remove themselves higher into ye countrie, where it was more populous, and many of them where gone there when ye English arrived."

At Potomac, Father Altham,—according to Father White's Latin MS. in the Maryland Hist. Soc. Col.—informed the guardian of the King that "*we* (the clergy) had not come thither for war, but for the sake of benevolence,—that we might imbue a rude race with the principles of civilization, and open a way to Heaven, as well as to impart to them the advantages enjoyed by distant regions. The prince signified that we had come acceptably. The interpreter was one of the Virginia Protestants. When the Father, for lack of time, could not continue his discourse, and promised soon to return: "I will that it should be so," said Archihau—"our table shall be one; my men shall hunt for you; all things shall be in common between us."

The Werowance of Pautuxent visited the strangers, and when he was about departing, used the following language, as recorded in the MS. Relation of Maryland of 1635: "I love ye English so well that if they should goe about to "kill me, if I had so much breath as to speak, I would command ye people not "to revenge my death; for I know they would not doe such a thinge except "it was through mine own default." See also Mr. B. U. Campbell's admirable Sketch of the early missions to Maryland, read before the Md. Hist. Soc. 8th Jan. 1846, and subsequently printed in the U. S. Catholic Magazine.

I think there can be no doubt that this adventure had the double object of affording an exile's refuge to Calvert's co-religionists, as well as of promoting the welfare of his family. It was designed for land-holders and laborers. It was a manorial, planting colony. Its territory was watered by two bays, several large rivers, and innumerable streams. Its fertile lands and thick forests, invited husbandmen, while its capacious coasts tempted the hardy fisherman. And so it is, that in the Arms which were prepared for the Proprietary government, the baronial shield of the Calvert family, dropped, in America, its two supporting leopards, and received in their stead, on either side, a Fisherman and a Farmer. "Crescite et Multiplicamini,"—its motto,—was a watchword of provident thrift.

Forty-nine years after the charter was granted to Lord Baltimore, King Charles II issued a patent, for a magnificent patrimony in America, to William Penn.

But what a change, in that half century, had passed over the world! A catalogue of the events that took place, in Great Britain alone, is a history of the growth of Opinion and of the People.

Charles's efforts to overthrow the Presbyterian Church in Scotland, and to enforce Episcopacy, brought on the war with the stern enthusiasts of that country. Laud, in the Church, and the Earl of Strafford, in the Cabinet, kept the King in a constant passion of royal and ecclesiastical power. Strafford fell, and the civil war broke out. Cromwell towered up suddenly, on the bloody field, and was victorious over the royalists. The King perished on the scaffold. Cromwell became Lord Protector. Anon, the commonwealth fell; the Stuarts were restored, and Charles II ascended the throne;—but amid all these perilous acts of political and religious fury, the world of thought had been stirred by the speeches and writings, of Taylor, Algernon Sydney, Hampden, and Milton. As the people gradually felt their power they learned to know their rights, and, although they went back from Republicanism to Royalty, they did so, perhaps, only to save them-

selves from the anarchy that ever threatens a nation while freeing itself from feudal traditions.

Besides these political and literary phases of the time, there had been added to the Catholic, Episcopal, and Puritan sects, a *new* element of religious power, which was destined to produce a slow but safe revolution among men.

An humble shoemaker, named George Fox, arose and taught that "every man was complete in himself; he stood in need of no alien help; the light was free of all control,—above all authority external to itself. Each human being, man or woman, was supreme." The christian denomination called Quakers, or more descriptively—"Friends,"—thus obtained a hearing and a standing among all serious persons who thought Religion a thing of life as well as of death.

Quakerism, with such fundamental principles of equality in constant practice, became a social polity. If the Quaker was a Democrat, he was so because the "inner light" of his christianity made him one, and he dared not disobey his christianity. He recognized no superiors, for his conscience taught him to deny any privileges to claimed superiority. But the Quaker added to his system, an element which, hitherto, was unknown in the history of sects;—he was a Man of Peace. It is not to be supposed that any royal or ecclesiastical government would allow such radical doctrines to pass unnoticed, in the midst of a society which was ever greedy for new teachings. The Quaker, therefore, soon participated in the persecutions which prelacy thought due to liberal christianity. But persecution of the Friend, was the Friend's best publication, for he answered persecution, not by recantation, but by peaceful endurance. Combative resistance, in religious differences, always gives the victor a right, or at least, an excuse, to slay. But Quakerism, a system of personal and religious independence and peace,—became slowly successful by the *vis inertiæ* of passive resistance. All other sects were, more or less, combative;—Quakerism was an obstinate rock, which stood, in rooted firmness, amid a sea of strife:—the billows of faction raged around it and broke on its granite surface, but they wasted themselves—*not* the rock!

And this is a most important fact in the history of Religion in its development of society. All other sects lost caste, power or material, either by aggression or by fighting. But the Quaker said to the Prelate, the Puritan, and the Catholic, you may annoy us by public trials, by denial of justice, by misrepresentation, by imprisonment, by persecution, by the stake,—yet we shall stand immovable on two principles, which deny that God is glorified by warfare—especially for opinion. Our principles are, equality and peace—in the church and in the world. Equality is to make us humble and good citizens. Peace is to convert this den of human tigers into a fold, wherein by simply performing our duties to each other and to God, we may prepare ourselves for the world of spirits. You can persecute—*we* can suffer. Who shall tire first? We will be victorious by the firmness that bears your persecutions; and those very persecutions, while they publish your shame, shall proclaim our principles as well as our endurance. They knew, from the history of Charles Ist, that the worst thing to be done with a bad king was to kill him; for, if the axe metamorphosed that personage into a martyr, the prison could never extinguish the light of truth in the doctrines of Quakerism![1]

You will pardon me, gentlemen, for having detained you so long in discussing the foundation of Maryland. The planting of your own state is familiar to you. It has been thoroughly treated in the writings of your Proud, Watson, Gordon, Du Ponceau, Tyson, Fisher, Wharton, Reed, Ingraham, Armstrong and many others. Can it be necessary for me to say a word, in Philadelphia, of the history of William Penn;—of him, who, as a lawgiver and executive magistrate,—a practical, pious, Quaker,—*first* developed in state affairs, and reduced to practice, the liberty and equality enjoined by his

[1] In William Penn's second reply to a committee of the House of Lords appointed in 1678, he declares that those who cannot comply with laws, through tenderness of conscience, should not "revile or conspire against the govern-"ment, *but with christian humility and patience tire out all mistakes against us*, "and wait their better information, who, we believe, do as undeservedly as "severely treat us."

religion and founded on liberal christianity;—of him who *first* taught mankind the sublime truth, that—

> " Beneath the rule of men entirely great
> " The PEN *is mightier than the sword? Behold*
> " The arch-enchanter's wand,—itself a nothing!
> " But taking sorcery from the master hand
> " To paralyse the Cesars! *Take away the sword,*
> " *States can be saved without it!*"

It would be idle to detail the facts of his life or government, for, not only have Pennsylvanians recorded and dwelt upon them until they are household lessons, but they have been favorite themes for French, British, Italian, German and Spanish philosophers and historians.

It was Penn to whom the charter of 1681 was granted, half a century after the patent issued to Cecilius Calvert. The instrument itself, has many of the features of the Maryland grant; but it is well known that the absolute powers it bestowed on the Proprietary, were only taken by him in order that he might do as he pleased in the formation of a new state, whose principles of freedom and peace, might, first in the World's history, practically assume a national aspect.

I shall not recount the democratic liberalities of his system, as it was matured by his personal efforts and advice. Original, as he unquestionably was, in genius; bold as he was in resisting the pomp of the world, at a time when its vanities sink easiest and most corruptingly into the heart,—we may nevertheless, say, that the deeds and history of his time, as well as of the previous fifty years, had a large share in moulding his character.

In William Penn, the crude germs of religious originality, which, in Fox, were struggling, and sometimes almost stifling for utterance, found their first, ablest, and most accomplished expounder. He gave them refinement and respectability. His intimacy with Algernon Sidney taught him the value of introducing those principles into the doctrines of government;—and thus, he soon learned that when political rights grow into the sanctity of religious duties, they receive thereby

a vitality which makes them irresistible. Penn, in this wise, became an expanded embodiment of Fox and Sidney; and, appropriating their mingled faith and polity, discarded every thing that was doctrinal and not practical, and realized, in government, their united wisdom. Nobly *in his age*, did he declare: "I know what is said by the several admirers of "monarchy, aristocracy, and democracy, which are the rule "of one, of a few, and of the many, and are the three common "ideas of government when men discourse on that subject. "But I choose to solve the controversy with this small distinc- "tion, and it belongs to all three:—*any government is free to "the people under it, whatever be the frame, where the laws "rule and the people are a party to those laws; and more than "this is tyranny, oligarchy, and confusion.*"[1]

In these historical illustrations, I have striven to show that Primitive Christianity was the basis of equal rights and responsibilities. The alleged defence of this christianity, in the land of its birth, gave rise to "holy wars," in which Feudalism and Chivalry originated. Feudalism was the source of the strictest military dependence, as well as of manifold social perversions. The knight expanded into a lord,—the subject commoner dwindled to a soldier or a serf. Thus Feudalism and a great historical Church, grew up in aristocratic copartnership over the bodies and souls of mankind, until the one, by the omnipotence of its spiritual authority, ripened into an universal hierarchy, while the other, by the folly of its "divine right," decayed into a temporal despotism that fell at the first blow of the heads-man's axe. The reformation and revolution broke the enchanter's wand; and, when the cloud passed from the bloody stage, instead of seeing before us a magician full of the glories of his art and almost deceived himself, by the splendor of his incantations, we beheld a meagre and pitiful creature, who though blind and palsied, still retained for a while, the power of witch-like mischief. But his reign was not lasting. The stern Puritan,—the pioneer of Independence,—advanced with his remorseless weapon,—while quietly, in his shadow, followed the calm and patient Friend,

[1] Preface to Frame of Government, 25 April, 1682.

sowing the seed of Peace and Good-Will in the furrows plowed by the steel of his unrelenting predecessor. And thus again, after ages of corrupt and desolating perversion, the selfish heart of man came humbly back to its original faith that Liberal Christianity is the true basis of enlightened freedom, and the only foundation of good and lasting government.

The bleak winds of March were blowing in Maryland, when Calvert conciliated and purchased from the Indians at Saint Mary's; but Autumn was

> "Laying here and there
> "A fiery finger on the leaves,"

when Penn, also, established a perfect friendship with the savages at Shackamaxon.[1]

Calvert, a protestant officer of the crown, became a catholic, and, retiring to private life, was rewarded by his king, with a pension, estates, and an American principality;—Penn, the son of a British Admiral, and who is only accurately known to us by a portrait which represents him *in armor*, began life as an adherent of the Church of England, and having conscientiously, doffed the steel for the simple garb of Quakerism, was persecuted, not only by his government but his parent. Calvert took the grant of a feudal charter, and asserting all its legislative and baronial powers, sought to fasten its Chinese influence, in feudal fixedness, on his colonists;—but Penn, knowing that feudalism was an absurdity, in the necessary equality of a wilderness, embraced his great authority in order "to leave himself and his successors no power of doing mischief, so that the will of one man might not hinder the good of a whole community."[2]

[1] Those who desire to know the precise character of the celebrated Elm-tree Treaty, should read the Memoir on its history, in vol. 3, part 2, p. 145 of the Memoirs of the Pennsylvania Hist. Soc., written by the late Mr. Du Ponceau, and Mr. Joshua Francis Fisher. It is one of the finest specimen of minute, exhaustive, historical analysis, with which I am acquainted. These gentlemen, prove, I think, conclusively, that the Treaty was altogether one of amity and friendship, and was entirely unconnected with the purchase of lands.

[2] Janney's Life of Penn, 163.

Calvert seems to have thought of English or Irish emigration alone;—Penn, did not confine himself to race, but sought for support from the Continent as well as from Britain.[1]

Calvert was ennobled for his services;—Penn rejected a birthright which might have raised him to the peerage.

Calvert's public life was antecedent to his American visit—Penn's was almost entirely subsequent to the inception of his "holy experiment."

Calvert laid the foundations of a mimic kingdom;—Penn, with the power of a prince, stripped himself of authority. The one was naturally an aristocrat of James's time; the other, quite as naturally, a democrat of the transition age of Sidney.

Calvert imagined that mankind stood still; but, Penn believed, that mankind *ever* moves, or, that like an army under arms, when not marching, it is marking time.

While to Calvert is due the honor of a considerable religious advance on his age, as developed in his charter,—Penn is to be revered for the double glory of civil and *perfect* religious liberty. Calvert mitigated man's lot by toleration;—Penn expanded the germ of toleration into unconditional freedom.

Calvert was the founder of a Planting Province, mainly agricultural, and creative of all the manorial dependencies;—but Penn seems to have heartily cherished the idea of a great City, and of the commerce it was to gather and develope from a wilderness over which it was to stand as guardian sentinel. As farming was the chief interest of the one, trading, became, also, a favorite of the other; and thus, while the *transient* trader visited, supplied, and left the native Indian free,—the *permanent* planter settled forever on his "hunting grounds," and drove him further into the forest.

Calvert recognized the law of war;—Penn made peace a fundamental institution. They both felt that civilized nations have a double and concurrent life,—material and spiritual;—but Calvert sought rather to develop one, while Penn addressed himself to the care of both.

[1] See 2nd Bozman Hist. Md. p. 616—note XLIII, Conditions, &c.

Calvert's idea was to open a new land by old doctrines, and to form his preserving amber around a worthless fly;—but Penn's Pennsylvania was to crystalize around the novel and lucid nucleus of freedom.

Calvert supposed that America was to be a mere reflex of Britain, and that the heart of his native Island would pulsate here; but Penn, seeing that the future population of America, like the soil of the Mississippi Valley, would be an alluvial deposit from the overflow of European civilization, thought it right to plant a new doctrine of human rights, which would grow more vigorously for its transplanting and culture.

The germs of Civil and Religious freedom may be found elsewhere in the foundation of American provinces and colonies. I know they are claimed for the cabin of the Mayflower, the rock of Plymouth, and the sands of Rhode Island. But I think that William Penn is justly entitled to the honor of adopting them on principle, after long and patient reflection, as the seed of his people, and thus, of having taken from their introduction by him into this country, all the disparagement of originating either in discontent or accident. His plan was the offspring of beautiful design, and not the gypsey child of chance or circumstance.

History is to man what water is to the landscape,—it mirrors, but distorts in its reflection, and the great founder of Pennsylvania has suffered from this temporary distortion. But, at length, the water will become still, and the image will be perfect. Penn is one of those majestic figures that loom up on the waste of time, in the same eternal permanence and simple grandeur in which the Pyramids rise in relief from the sands of Egypt. Let no Arab displace a single stone!

APPENDIX No. I.

It is singular that the clause in the XXII section of Charles Ist's charter to Lord Baltimore, relating to the interpretation of that instrument in regard to religion, has never been accurately translated, but that all commentators have, hitherto, followed the version given by Bacon. I shall endeavor to demonstrate the error.

The following parallel passages exhibit the original Latin, and Bacon's adopted translation:

ORIGINAL LATIN.

The 22nd section of the charter of Maryland, copied from Bacon's Laws, wherein it was adopted from an attested copy from the original record remaining in the Chapel of Rolls in 1758:

"SECTION XXII. Et si fortè imposterum contingat Dubitationes aliquas quæstiones circa verum sensum et Intellectum alicujus verbi clausulæ vel sententiæ in hâc presenti CHARTA nostrâ contentæ generari EAM semper et in omnibus Interpretationem adhiberi et in quibuscunque Curiis et Prætoriis nostris obtinere VOLUMUS præcipimus et mandamus quæ præfato modò Baroni de BALTIMORE Hæredibus et Assignatis suis benignior utilior et favorabilior esse judicabitur Proviso semper quod nulla fiat Interpretatio per quam sacro-sancta DEI et vera Christiana Religio aut Ligeantia NOBIS Hæredibus et successoribus nostris debita Immutatione Prejudicio vel dispendio in aliquo patiantur:" &c. &c.

ENGLISH TRANSLATION.

Translation of the 22nd section of the charter, from Bacon's Laws of Maryland, wherein it is copied from an old translation published by order of the Lower House in the year 1725:

"SECTION XXII. And if, peradventure, hereafter it may happen that any doubts or questions should arise concerning the true sense and meaning of any word, clause or sentence contained in this our present charter, we will, charge, and command, THAT Interpretation to be applied, always, and in all things, and in all our Courts and Judicatories whatsoever, to obtain which shall be judged to be more beneficial, profitable and favorable to the aforesaid now Baron of BALTIMORE, his heirs and assigns: Provided always that no interpretation thereof be made whereby GOD's holy and true christian religion, or the allegiance due to US, our heirs and successors, may, in any wise, suffer by change, prejudice or diminution:" &c. &c.

It will be noticed that this *Latin* copy, according to the well known ancient usage in such papers, is not punctuated, so that we have no guidance, for the purpose of translation, from that source.

The translation of this section as far as the words: "*Proviso semper quod nulla fiat interpretatio*," &c. is sufficiently correct; but the whole of the final clause, should in my opinion, be rendered thus:—

"Provided always that no interpretation thereof be made, whereby GOD'S "HOLY RIGHTS *and* the TRUE CHRISTIAN RELIGION, or the allegiance due to "us our heirs or successors, may, in any wise suffer by change, prejudice or "diminution." Let me offer my reasons for this alteration:

1st, This new translation harmonizes with the evident grammatical construction of the Latin sentence, and is the easiest as well as most natural. The common version, given by Bacon: GOD'S holy *and* true CHRISTIAN religion,"—is grossly pleonastic, if not nonsensical. Among christians, "God's religion," can of course, only be the "christian religion;" and, with equal certainty, it is not only a "true" religion, but a "holy" one!

2nd, The word *Sacrosanctus*, always conveys the idea of a *consecrated inviolability, in consequence of inherent rights and privileges.* In a dictionary, *contemporary with the charter*, I find the following definition,—*in verbo sacrosanctus.*

"SACROSANCTUS: Apud Ciceronem dicebatur id quod interposito jurejurando sanctum, et institutum erat idem etiam significat ac sanctus, *sanctus. Tribunus plebis dicebatur sacrosanctus, quia eum nefas erat attingere, longè diviniori ratione Catholici appellamus ecclesiam Romanam sacrosanctam.* Calpinus Parvus;—seu Dictionarium Cæsaris Calderini Mirani: *Venetiis*, 1618.

Cicero, *in Catil*: 2. 8.—uses the phrase—"Possessiones sacrosanctæ," in this sense; and so does Livy in the epithet,—"Sacrosancta potestas," as applied to the Tribuneship; and, in the sentence,—ut plebi sui magistratus essent sacrosanctæ."

From the last sentence, in the definition given in the Venetian Dictionary of 1618, which I have cited in italics, it will be seen that the epithet had a peculiarly Catholic signification *in its appropriation* by the Roman Church.

3d, I contend that "*sacrosancta*" does not qualify "*religio*," but agrees with *negotia*, or some word of similar import, understood; and thus the phrase—"*sacrosancta Dei*"—forms a distinct branch of the sentence.

If the translation given in Bacon is the true one, the positions of the words "sacrosancta" and "Dei" should be reversed, for their present collocation clearly violates accurate Latin construction. In that case, "*Dei*" being subject to the government of "*religio*," ought to precede "*sacrosancta*," which would be appurtenant to "*religio*," while "*et*," which would then couple the two adjectives instead of the two members of the sentence, should be placed immediately between them, without the interposition of any word to disunite it either from "*sacrosancta*" or "*vera*." If my translation be correct, then the collocation of all the words in the original Latin of the charter, is proper. If "*sacrosancta*" is a neuter adjective agreeing with "*negotia*," understood,—and "*et*" conjoins members of sentences, then the whole clause is obedient to a positive law of Latin verbal arrangement. Leverett says: "The genitive is elegantly put before the noun which governs it with one or more words between; *except* when the genitive is *governed by a neuter adjective*, in which case, it *must* be *placed after it.*"

4th, Again:—if "*et*" joins "*sacrosancta*" and "*vera*," which, thereby, qualify the same noun, there are *then* only two nominatives in the Latin sentence of the charter, viz: "*religio*" and "*ligeantia.*" Now these nouns, being coupled

by the disjunctive conjunction "*aut*," must have the verb agreeing with them *separately* in the *singular*. But, as "*patiantur*" happens to be in the plural, the author of the charter must either have been ignorant of one of the simplest grammar rules, or have designed to convey the meaning I contend for.

I must acknowledge the aid and confirmation I have received, in examining this matter, from the very competent scholarship of my friend Mr. Knott, assistant Librarian of the Maryland Historical Society.

APPENDIX No. II.

The scope of my discourse is confined to the illustration of *principles* either announced, or acted on, in the *founding* of Maryland and Pennsylvania. I have contended that Sir George Calvert, the *first* Lord Baltimore, so framed the charter which was granted by Charles I, that, without express concessions, the general character of its language in regard to religious rights, would secure liberty of conscience to christians.

I: 1632.—Langnage can scarcely be more perspicuously comprehensive, than in the phrase: "God's Holy Rights and the true Christian Religion." Under such a clause, *in the charter*, no particular church could set up a claim for its exclusive christianity. There was no mention, in the instrument, of "the Established Church," or, of "the Church of England." The Catholic could not deny the Episcopalian's christianity; the Episcopalian could not deny the Catholic's, nor could the Puritan question the christianity of either. All professed faith in Christ. Each of the three great sects might contend that its *form* of worship, or interpretation of the Bible, was the correct one; but all came lawfully under the great generic class of christians. And, while the political government of the colonists was to be conducted by a Catholic magistrate, in a province belonging to a Catholic Lord,—the *interpretation* of the law of religious rights was to be made, not by the laws of England, but exclusively under the paramount law of the provincial charter. By that document the broad "rights of God," and "the true christian religion," could not "suffer by change, prejudice or diminution."

This view is strengthened by a clause in the 4th section of the charter, by which the king granted Lord B. "the patronages and advowsons of ALL *churches* which, *with the increasing worship and* RELIGION OF CHRIST, (*crescenti Christi cultu et religione*,") should be built within his province. The right of *advowson*, being thus bestowed on the Lord Proprietary, for *all Christian Churches*; his majesty, then, goes on, empowering Lord B. to erect and found churches, chapels, &c. and *to cause* them to be dedicated "*according to the Ecclesiastical laws of our kingdom of England.*" The general right of advowson, and the particular privilege, conceded to a Catholic, of causing the consecration of Episcopal churches, are *separate* powers and ought not to be confounded by a hasty reader of the charter.

I think there can hardly be a fair doubt that the interpretation I give to the 22nd clause is the one assigned to it by the immigrants from the earliest colonial

movement in 1633. We may assert, therefore, the fact, that religious freedom was offered and secured for christians, in the province of Maryland, from the very beginning.

II: 1633—We must recollect that under the English statutes, *adherents of the national church required no protection;* they were free in the exercise of their faith; but Catholics and Puritans were not so happily situated, and, accordingly, they sought, in the new world an exemption from the disabilities and persecutions they experienced at home. Can it be credited, that, under such vexations, the Catholic Lord Baltimore would have drawn a charter, or, his Catholic son and successor, sent forth a colony, under a Catholic Governor, when the fundamental law, under which alone he exercised his power, did not secure liberty to him and his co-religionists? It is simply necessary to ask the question, in order to demonstrate the absurdity of such a supposition.

III: 1634.—If we show, then, that Catholic conscience was untrammeled in Maryland, I think we may fairly assume the general ground as satisfactorily proved. What was, briefly, the first movement of this sect, under the Lord Proprietary's auspices? When Lord Cæcilius was planning his colonial expedition in 1633, one of his earliest cares was to apply to the Order of Jesus for clergymen to attend the Catholic planters and settlers, and to convert the natives. Accordingly, under the sanction of the Superior, Father White joined the emigrants, *although, under previous persecutions in England, he had been sent into perpetual banishment, to return from which subjected the culprit to the penalty of death!* These facts are set forth, at page 14 of the 2nd volume of Challoner's Memoirs. Historia Anglo-Bavara, S. J. Rev. Dr. Oliver's collections illustrative of the Scotch, English and Irish Jesuits, page 222, and in the essay on the Early Maryland Missions, by Mr. B. U. Campbell. Fathers Andrew White and John Altham, and two lay brothers, named John Knowles and Thomas Gervase, accompanied the first expedition, and were active agents in consecrating the possession of the soil, and converting *Protestant immigrants* as well as heathen natives. The colony, therefore, cannot properly be called a Protestant one, when its *only* spiritual guides were Catholics; and consequently if it was more of a Catholic than a Protestant emigration, it must, by legal necessity, have been free from the moment it quitted the shores of England. If the Catholic was free, all were free.

IV: 1637.—Our next authority, in regard to the *early interpretation* of religious rights in Maryland, is found in a passage in Chalmers's Political Annals, page 235. "In the oath," says he, "taken by the Governor and Council, *between* the years 1637 and 1657, there was the following clause, which ought to be administered to the rulers of every country. 'I will not, by myself or any other, directly or indirectly, trouble, molest or discountenance, any person professing to believe in Jesus Christ, for or on account of his religion.'" This shows, that "belief in Jesus Christ," under the constitutional guaranty of the charter, anterior to the enactment of any colonial law by the Maryland Assembly, secured sects from persecution. The language of the oath, which was doubtless promulgated by the Lord Proprietor, is as broad as the language of the charter. The statement of Chalmers has been held to be indefinite as to whether the oath was taken *from* 1637 to 1657, or, whether it was taken in some years *between* those dates; but, if the historian did not mean to say that it had been administered *first* in 1637, and continued afterwards, why would he not have specified any other, as the beginning year, as well as 1637? The

objection seems rather hypercritical than plausible. Chalmers was too accurate a writer to use dates so loosely, and inasmuch as he was an old Maryland lawyer and custodian of the Maryland provincial papers, he had the best opportunity to designate the precise date. A Governor's oath was a regular and necessary official act. No one can doubt that an oath was required of that personage in Maryland; and the oath in question, is precisely such an one as Protestant settlers, in that age, might naturally expect from a Catholic Magistrate, who, (even from motives of the humblest policy,) would be willing to grant to others what he was anxious to secure for himself. If ever there was a proper time for perfect toleration, it was at this moment, when a Catholic became, *for the first time in history*, a sovereign prince of the *first province* of the British Empire!

Mr. Chalmers could not have confounded the oath whose language he cites, with other oaths which the reader will find cited in the 2nd volume of Bozman's History of Maryland, at pages 141, 608, 642. The oath prepared for Stone in 1648, appears to have been an augmented edition of the one quoted by Chalmers, and is so different in parts of its phraseology as well as items, that it cannot have been mistaken by the learned annalist. Bancroft, McMahon, Tyson, C. F. Mayer and B. U. Campbell, adopt his statement as true.

V: 1638.—In regard to the early *practice of Maryland* tribunals, on the subject of tolerance, we have a striking case in 1638. In that year a certain *Catholic*, named William Lewis, was arraigned before the Governor, Secretary, &c., for *abusive language to Protestants*. Lewis confessed, that, coming into a room where Francis Gray and Robert Sedgrave, servants of Captain Cornwaleys, were reading, he heard them recite passages so that he should hear them, that were reproachful to his religion, "viz: that the Pope was anti-Christ, "and the Jesuits anti-Christian Ministers, &c: he told them it was a falsehood "and came from the devil, and that he that writ it was an instrument of the "devil, and so he would approve it!" The court found the culprit "guilty of "a very offensive speech in calling the Protestant ministers, the ministers of "the devil," and of "exceeding his rights, in forbidding them to read a lawful "book." In consequence of this "offensive language," and other "unrea-"sonable disputations, in point of religion, tending to the disturbance of the "peace and quiet of the Colony, committed by him, *against a public procla-"mation set forth to prohibit all such disputes*," Lewis was fined and remanded into custody until he gave security for future good behaviour.[1]

Thus, four years, only, after the settlement, the liberty of conscience was vindicated by a recorded judicial sentence, and "unreasonable disputations in point of religion," rebuked by a Catholic Governor in the person of a Catholic offender. There could scarcely be a clearer evidence of impartial and tolerant sincerity. The decision, moreover, is confirmatory of the fact that the Governor had taken such an oath as Chalmers cites, in the previous year, 1637; especially as there had *already* been a "*proclamation to prohibit disputes!*"

VI: 1638.—At the *first efficient* General Assembly of the Colony, which was held in this year, only two Acts were passed, though thirty-six other bills were twice read and engrossed, but not finally ripened into laws. The second

[1] 2d Bozman, 597, and Orig. MS. in Md. His. Soc.

of the two acts that were passed, contains a section asserting that "Holy Church, *within this province*, shall have all her rights and liberties;" thus securing the rights of Catholics;—while the first of the thirty-six incomplete acts was one, which we know only by *title*, as "An act for *Church liberties*." It was to continue in force until the end of the next General Assembly, and then, with the Lord Proprietary's consent, to be perpetual. Although we have no means of knowing the extent of the proposed "Church liberties," we may suppose that the proposed enactment was general, in regard to all Christian sects besides the Catholics.

VII: 1640.—At the session of 1640, an act for "Church liberties" *was passed* on the 23d October, and confirmed, as a perpetual law, in the first year of the accession of Charles Calvert, 3d Lord Baltimore, in 1676. This Act also declares that "Holy Church, within this province, shall have and enjoy all her rights, liberties and franchises, wholly and without blemish." Thus, in 1640, legislation had already settled opinion as to the rights of Catholics and Protestants. Instead of the early Catholics seeking to contract the freedom of other sects, their chief aim and interest seem to have been to secure their own. I consider the Acts I have cited rather as mere declaratory statutes, than as necessary original laws.

VIII: 1649.—In this year, an assembly, believed to have been composed of a Protestant majority, passed the act which has been lauded as the source of religious toleration. It is "An Act concerning Religion," and, in my judgment, is less tolerant than the Charter or the Governor's Oath, inasmuch as it included Unitarians in the same category with blasphemers and those who denied our Saviour Jesus Christ, punishing all alike, with confiscation of goods and the pains of *death*. This was the epoch of the trial and execution of Charles I, and of the establishment of the Commonwealth.

IX: 1654. The celebrated act I have just noticed, however, was passed fifteen years after the original settlement, which exceeds the period comprised in the actual *founding* of Maryland. Besides this, the political and religious aspect of England was changing, and the influence of the home-quarrel was beginning to be felt across the Atlantic. In 1654, during the mastery of Cromwell, religious freedom was destroyed: Puritanism became paramount; Papacy and Prelacy were denounced by law; and freedom was assured only to Puritans, and such as professed "faith in God by Jesus Christ, though dif-
"fering in judgment, from the doctrine or worship publicly held forth."

X. It has been alleged that the clause in the Maryland Charter securing "God's holy rights and the true Christian religion," is only an incorporation into Lord Baltimore's instrument, of certain clauses contained in the early Charters of Virginia. If the reader will refer to the 1st volume of Henning's Statutes at large, he will find all those documents in English, but *unaccompanied by the original Latin*. Thus, we have no means of judging the *accuracy of the translation*, or *identity of language* in the Maryland and Virginia instruments. Adopting, however, for the present, the translation given by Henning, we find no coincidence of phraseology either to justify the suspicion of a mere copy, or to subject our charter to the *limitations* contained in the Virginia patents. Disabilities are to be construed strictly in law, and our charter is not to be interpreted by another, but stands on its own, independent, context and manifest signification.

The first Virginia Charter or Patent was issued to Sir Thomas Gates and others, April 10th, 1606, in the 4th year of James's English reign. Among the "Articles, Orders, Instructions," &c., set down for Virginia, 20th Nov., 1606,—(though nothing is said about restrictions in religion, while the preamble commends the noble work of propagating the Christian religion among infidel savages,)—is the following clause:—"And we doe specallie ordaine, charge, and require the presidents and councills," (of the two Colonies of Virginia,) "respectively, within their severall limits and precincts, that they with all diligence, care and respect, doe provide, that the *true word and service of God and Christian faith*, be preached, planted and used, not only within every of the said severall colonies and plantations, but alsoe, as much as they may, among the salvage people which doe or shall adjoine unto them, or border upon them, *according to the* DOCTRINE, RIGHTS, *and* RELIGION, *now professed and established within our realme of England*."—1*st Henning*, 69.

The second charter or patent, dated 23d May, 1609, 7th "James I," was issued to the Treasurer and Company for Virginia, and in its XXIX section, declares: "And lastly, because the principal effect, which we can desire or expect of this action, is the conversion and reduction of the people in those parts unto the *Worship of God and Christian religion, in which respect we should be loath, that any person be permitted to pass, that we suspected to affect the superstitions of the Church of Rome;* we do hereby declare that it is our will and pleasure that none be permitted to pass in any voyage, from time to time, to be made unto the said country, but such as shall first have taken the Oath of Supremacy; &c., &c.—1*st Henning*, 97.

The third Charter of James the I, in the 9th year of his English reign, was issued 12th March, 1611-12 to the Treasurer and Company for Virginia. The XIIth section empowers certain officers to administer the *Oath of Supremacy and Allegiance*, to "all and every persons which shall at any time or times "hereafter go or pass to said Colony of Virginia."

The Instructions to Governor Wyatt, of 24th of July, 1621, direct him:—"*to keep up the Religion of the Church of England, as near as may be*," &c., &c.—1*st Henning*.

All these extracts, it will be observed, contain *limitations* and *restrictions*, either explicitly *in favor* of the English Church, or *against* the, so called, "superstitions of the Church of Rome." The Maryland Charter shows no such narrow clauses, and consequently, is justly free from any connexion, *in interpretation*, with the Virginia instruments. Besides this, we do not know that the language of the original Latin of the Virginia Charters, is the same as ours, and, therefore, it would be "reasoning in a circle," or, "begging the question," if we translated the Maryland Charter into the exact language of the Virginian. The phraseology—"God's holy rights and the true Christian religion,"—*unlimited in the Maryland Patent*,—was a distinct assertion of broad equality to all professing to believe in Jesus Christ. It was not subject to any sectarian restriction, and formed the basis of religious liberty in Maryland, until it was undermined during the Puritan intolerance in 1654.

CORRESPONDENCE.

HALL OF THE HISTORICAL SOCIETY OF PENNSYLVANIA,
PHILADELPHIA, *April 12th*, 1852.

DEAR SIR:

We have been appointed a committee to communicate to you the following resolution passed at a meeting of the Historical Society held this evening:

"RESOLVED, That the thanks of the HISTORICAL SOCIETY, are hereby returned to MR. BRANTZ MAYER, of BALTIMORE, for his very able and eloquent address, delivered before it, on Thursday evening, the 8th instant; and that MESSRS. TYSON, FISHER, COATES AND ARMSTRONG, be appointed a committee to transmit this resolution to Mr. Mayer, and request a copy of the address for publication."

Permit us to express the pleasure we derived from the delivery of your Discourse, and, also, the hope that you will comply with the Society's request.

We remain, with great respect, your obedient servants,

JOB R. TYSON,
J. FRANCIS FISHER,
B. H. COATES,
EDW. ARMSTRONG.

TO MR. BRANTZ MAYER, BALTIMORE.

BALTIMORE, 15*th April*, 1852.

GENTLEMEN:

I am much obliged to the PENNSYLVANIA HISTORICAL SOCIETY, for the complimentary resolution it was pleased to pass in relation to the Discourse I delivered before it on the 8th of this month. In compliance with your request, I place a copy of the address at your disposal; and, while thanking you for the courtesy with which you have communicated the vote of your colleagues, I have the honor to be, your most obedient servant,

BRANTZ MAYER.

TO MESSIEURS JOB R. TYSON,
J. FRANCIS FISHER,
B. H. COATES,
EDW. ARMSTRONG,
Committee, &c. &c. &c.

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